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DMS/RCd PCT/PTO 10 OCT 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: Helene Gable

DATE: October 7, 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Patent Application of Reiner Class et al.	: Attention: : Box PCT :
Conf. No.:	7581	: International Appln. No. : PCT/US00/21747 :
Appln. No.:	10/049,753	: Group Art Unit: :
Filed:	9 August 2000	: Not Yet Assigned :
For:	Antimicrobial Histone H1 Compositions, Kits, and Methods of Use Thereof	: Attorney Docket : No. 10573-1U1

TRANSMITTAL OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated 5 April 2002, we submit herewith the following:

- Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed 5 April 2002.
- Executed Declaration and Power of Attorney.
- Information Disclosure Statement, PTO/SB/08A and/or PTO/SB/08B, and cited references.
- Preliminary Amendment.
- Statement Regarding Nucleotide and/or Amino Acid Sequence Submission Requirement
- Petition for Extension of Time along with requisite fee.
- Request for Refund.
- Request for Corrected Filing Receipt. Attached is a marked-up copy of the Filing Receipt showing corrections.
- Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as [] an Independent Inventor, or [X] a Small Business Concern, or [] a Non-Profit Organization.

Additional claim fees are calculated as follows:

					SMALL ENTITY		LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
TOTAL	46	(-)	37	9	x\$9	81	x\$18	
INDEP.	3	(-)	3	0	x\$42		x\$84	
[] 1st PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+\$140		+\$280	
					TOTAL	81.00	TOTAL	

The following fees noted below are being paid.

Surcharge of \$130 for late filing of English translation.

Extension of Time fee in the amount of \$720.00 (Petition for Extension of Time is attached).

Additional Claim Fee in the amount of \$81.00 calculated above.

Enclosed is our firm's check in the amount of \$801.00 for the above fee(s).

The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (Billing No. 210573.0002) as noted below. A duplicate copy of this sheet is enclosed.

The above-calculated fee(s) calculated totaling \$ ____ .00.

Any overpayments or deficiencies in the above-calculated fee(s).

Any additional fees required under 37 C.F.R. § 1.16 or § 1.17.

In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS

7 October 2002

By:

(Date)


Gary D. Colby, Ph.D., J.D.

Registration No. 40,961

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Enclosures

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: Helene Gabel

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Appln. No.:	10/049,753	: : Group Art Unit: : Not Yet Assigned
Filed:	9 August 2000	: : Attorney Docket : No. 10573-1U1
For:	Antimicrobial Histone H1 Compositions, Kits, and Methods of Use Thereof	

**STATEMENT REGARDING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE
SUBMISSION REQUIREMENT**

In the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed 5 April 2002, the Applicants were instructed to submit a Sequence Listing as a separate part of the disclosure on paper copy or compact disk and to also submit a copy of the Sequence Listing in a computer-readable form.

The Applicants have reviewed the application, and believe that it does not include a nucleotide or amino acid sequence. For this reason, the Applicants believe that submission of a sequence listing is not appropriate for this application.

For the Examiner's information, histone H1-related sequences were known in the art at the time the application was filed (see, e.g., Isenberg, 1979, Annu. Rev. Biochem. 48:159-191).

If the Examiner continues to believe that submission of a sequence listing is appropriate, the Examiner is respectfully requested to point out the sequences disclosed in the specification that should be included in the listing.

Respectfully submitted,
Reiner Class, et al.

7 October 2002

(Date)

By: 

Gary D. Colby, Ph.D., J.D.

Registration No. 40,961

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(FE)

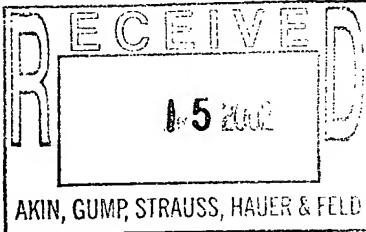


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,753	Reiner Class	10573-IU1

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INTERNATIONAL APPLICATION NO.

PCT/US00/21747

I.A. FILING DATE	PRIORITY DATE
	08/09/2000

CONFIRMATION NO. 7581
 371 FORMALITIES LETTER



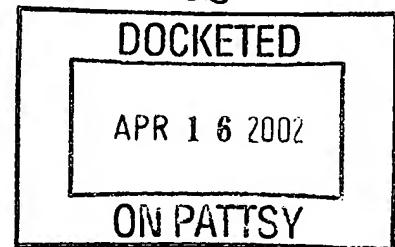
OC000000007787527

Date Mailed: 04/05/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report



GDC

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).

DEADLINE: 6/5/02

- ❑ A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ❑ APPLICANT MUST PROVIDE:
 - ❑ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - ❑ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - ❑ For Rules Interpretation, call (703) 308-4216
 - ❑ To Purchase PatentIn Software, call (703) 306-2600
 - ❑ For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- ❑ This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ❑ A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,753	PCT/US00/21747	10573-1U1

FORM PCT/DO/EO/905 (371 Formalities Notice)